

AMENDED IN SENATE AUGUST 20, 2010  
AMENDED IN SENATE APRIL 22, 2010  
AMENDED IN SENATE SEPTEMBER 4, 2009  
AMENDED IN SENATE SEPTEMBER 1, 2009  
AMENDED IN SENATE JUNE 24, 2009  
AMENDED IN ASSEMBLY JUNE 1, 2009  
AMENDED IN ASSEMBLY APRIL 13, 2009  
AMENDED IN ASSEMBLY MARCH 23, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 50**

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**Introduced by Assembly Member Nava**  
**(Coauthors: Assembly Members Carter, John A. Pérez, Saldaña,**  
**and Smyth)**  
**(Coauthor: Senator Maldonado)**

December 1, 2008

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An act to amend Section 65302.6 of the Government Code, and to ~~amend Sections 218, 17207, and 24347.5 of, and to add Sections 170.5,~~ *add Sections 170.5, 195.146, 195.147, 195.148, 195.152, 195.153, 195.154, 195.155, 195.156, and 195.157, 195.161, 195.162, and 195.163* ~~195.163, 195.173, 195.174, 195.175, 218.1, 17207.1, and 24347.6~~ to, the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

AB 50, as amended, Nava. Disaster relief.

(1) Under the California Disaster Assistance Act the state share may be up to 100% for costs connected with certain events only if the local agency has adopted a local hazard mitigation plan in accordance with specified federal law.

Existing law, the Planning and Zoning Law, requires that a city, county, or city and county general plan contain a safety element for the protection of the community from specified safety risks, and authorizes a city, county, or a city and county to adopt with its safety element a federally specified local hazard mitigation plan that includes specified elements.

This bill would eliminate the requirement that adoption of the federally specified local hazard mitigation plan include required specified elements.

(2) Existing law authorizes a county board of supervisors to provide by ordinance for the reassessment of property that is damaged or destroyed, without fault on the part of the assessee, by a major misfortune or calamity, upon the application of the assessee or upon the action of the county assessor with the board's approval. With respect to certain counties that have adopted reassessment ordinances and have been declared by the Governor to be in a state of emergency as a result of certain events, existing law provides for state allocations of the estimated amounts of the reductions in property tax revenues resulting in certain fiscal years from reassessments under those ordinances. Existing law also continuously appropriates, without regard to fiscal years, moneys in the Special Fund for Economic Uncertainties for purposes of funding these state allocations.

This bill would provide for similar state allocations with respect to property tax revenue reductions resulting from a reassessment for damages incurred within the County of Santa Barbara, which was declared by the Governor to be in a state of emergency due to the wildfires that commenced in November 2008 or May 2009, within the Counties of Orange, Riverside, and San Bernardino, which were declared by the Governor to be in a state of emergency due to the wildfires that commenced in November 2008, ~~and~~ within the County of Placer, which was declared by the Governor to be in a state of emergency due to the wildfires that commenced in August 2009, *and within the County of*

*Kern, which was declared by the Governor to be in a state of emergency due to the wildfires that commenced in July 2010.*

By requiring moneys continuously appropriated from the Special Fund for Economic Uncertainties to be allocated for the new purpose of reimbursing these counties for these property tax revenue reductions, this bill would make an appropriation.

(3) Existing property tax law provides, pursuant to a specified provision of the California Constitution, for a homeowners' property tax exemption in the amount of \$7,000 of the full value of a "dwelling," as defined.

This bill would also provide that any dwelling that (1) qualified for the exemption prior to August 30, 2009, ~~that~~ was damaged or destroyed by the wildfires in the County of Placer, as declared by the Governor *to be in a state of emergency* in August 2009, and ~~that~~ has not changed ownership since August 30, 2009, and (2) *qualified for the exemption prior to July 26, 2010, was damaged or destroyed by the wildfires in the County of Kern, as declared by the Governor to be in a state of emergency in July 2010, and has not changed ownership since July 26, 2010,* may not be denied the exemption solely on the basis that the dwelling was temporarily damaged or destroyed or was being reconstructed by the owner, or was temporarily uninhabited as a result of restricted access to the property due to wildfires.

The California Constitution requires the Legislature, in each fiscal year, to reimburse local governments for the revenue losses incurred by those governments in that fiscal year as a result of the homeowners' property tax exemption.

This bill would state the intent of the Legislature to make this required reimbursement in the annual Budget Act. By requiring local tax officials to implement new exemption criteria, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(4) The Personal Income Tax Law and the Corporation Tax Law provide for the carryover to specified taxable years of specified losses sustained as a result of certain disasters occurring in California in an

area determined by the President of the United States to warrant specified federal assistance, or proclaimed by the Governor to be in a state of emergency.

This bill would extend these provisions to losses sustained in the County of Placer as a result of the wildfires that commenced in August 2009 *and in the County of Kern as a result of the wildfires that commenced in July 2010*. This bill would authorize a taxpayer to make an election to claim a deduction for those losses on the tax return for the preceding year.

(5) Existing law requires the auditor of a county which was the subject of the Governor's proclamation of a state of emergency to certify to the Director of Finance an estimate of the total reduction in property tax revenues resulting from the reassessment by the county assessor of those properties that are eligible as a result of disasters, and requires the director to verify the county auditor's estimate and certify that amount to the Controller for allocation to the county.

This bill would prohibit, for any fire disaster occurring after January 1, 2010, the Department of Finance ~~to certify~~ *from certifying* a county auditor's estimate of the total reduction in property tax resulting from the reassessment by the county assessor of eligible properties as a result of those disasters unless the county demonstrates compliance with specified requirements at the time the fire disaster occurred.

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65302.6 of the Government Code is  
2 amended to read:  
3 65302.6. (a) A city, county, or a city and county may adopt,  
4 with its safety element pursuant to subdivision (g) of Section  
5 65302, a local hazard mitigation plan (HMP) specified in the  
6 federal Disaster Mitigation Act of 2000 (Public Law 106-390; 42  
7 U.S.C. Sec. 5121 et seq.).  
8 (b) Local jurisdictions that have not adopted a local hazard  
9 mitigation plan shall be given preference by the Office of  
10 Emergency Services in recommending actions to be funded from  
11 the Pre-Disaster Mitigation Program, the Hazard Mitigation Grant

1 Program, and the Flood Mitigation Assistance Program to assist  
2 the local jurisdiction in developing and adopting a local hazard  
3 mitigation plan, subject to available funding from the Federal  
4 Emergency Management Agency.

5 SEC. 2. Section 170.5 is added to the Revenue and Taxation  
6 Code, to read:

7 170.5. For any fire disaster occurring after January 1, 2010,  
8 the Department of Finance shall not certify a county auditor's  
9 estimate of the total amount of the reduction in property tax  
10 revenues resulting from the reassessment by the county assessor  
11 pursuant to paragraph (1) of subdivision (a) of Section 170 of those  
12 properties that are eligible properties as a result of those disasters,  
13 unless the county demonstrates compliance with all of the  
14 following requirements at the time the fire disaster occurred:

15 (a) The county had at least one of the following for each state  
16 responsibility area within its jurisdiction:

17 (1) Its own structural fire protection services.

18 (2) A contract providing structural fire protection services by  
19 the Department of Forestry and Fire Protection that requires all  
20 state costs to provide structural fire protection be included in the  
21 contract, including, but not limited to, salaries and wages, benefits,  
22 retirement, distributed administrative costs, workers' compensation,  
23 equipment, and costs associated with entering into the contract.

24 (3) Structural fire protection services from another county, city,  
25 special district, or political subdivision of the state, or another  
26 entity organized solely to provide fire protection services that is  
27 monitored and funded by a county or other public entity.

28 (b) The county was in compliance with Chapter 6.8  
29 (commencing with Section 51175) of Part 1 of Division 1 of Title  
30 5 of the Government Code.

31 (c) If a county had land designated as a very high fire hazard  
32 severity zone of state responsibility area within its jurisdiction, the  
33 county had a fire risk reduction public education program that  
34 included, but was not limited to, recommendations for  
35 ignition-resistant landscaping, creating and maintaining defensible  
36 space around homes and other structures, and ignition-resistant  
37 construction principles.

38 SEC. 3. Section 195.146 is added to the Revenue and Taxation  
39 Code, to read:

1 195.146. (a) By October 30, 2010, the auditor of the County  
2 of Santa Barbara, which was the subject of the Governor's  
3 proclamation of a state of emergency for wildfires that commenced  
4 on November 13, 2008, shall certify to the Director of Finance an  
5 estimate of the total amount of the reduction in property tax  
6 revenues on both the regular secured roll and the supplemental  
7 roll for the 2008–09 fiscal year resulting from the reassessment  
8 by the county assessor pursuant to paragraph (1) of subdivision  
9 (a) of Section 170 of those properties that are eligible properties  
10 as a result of those disasters, except that the amount certified shall  
11 not include any estimated property tax revenue reductions to school  
12 districts, other than basic state aid school districts, and county  
13 offices of education.

14 (b) For purposes of this section, "basic state aid school district"  
15 means any school district that does not receive a state  
16 apportionment pursuant to subdivision (h) of Section 42238 of the  
17 Education Code, but receives from the state only a basic  
18 apportionment pursuant to Section 6 of Article IX of the California  
19 Constitution.

20 SEC. 4. Section 195.147 is added to the Revenue and Taxation  
21 Code, to read:

22 195.147. After the county auditor of the eligible county, as  
23 described in Section 195.146, has made the applicable certification  
24 to the Director of Finance pursuant to that section, the director  
25 shall, within 30 days after verification of the county auditor's  
26 estimate, certify this amount to the Controller for allocation to the  
27 county. Upon receipt of certification from the Director of Finance,  
28 the Controller shall make the appropriate allocation to the county  
29 within 10 working days.

30 SEC. 5. Section 195.148 is added to the Revenue and Taxation  
31 Code, to read:

32 195.148. (a) On or before June 30, 2011, an eligible county,  
33 as described in Section 195.146, shall compute and remit to the  
34 Controller for deposit in the General Fund an amount equal to the  
35 amount allocated to it by the Controller pursuant to Section  
36 195.147, less the actual amount of its property tax revenue lost on  
37 the regular secured and supplemental rolls with respect to those  
38 eligible properties described in Section 195.146 as a result of the  
39 reassessment of those properties pursuant to paragraph (1) of  
40 subdivision (a) of Section 170, excluding any property tax revenue

1 lost by school districts, other than basic state aid school districts,  
2 and county offices of education. If the actual amount of property  
3 tax revenue lost by an eligible county in the immediately preceding  
4 fiscal year, as described and limited in the preceding sentence,  
5 exceeds the amount allocated by the Controller to that county  
6 pursuant to Section 195.147, the Controller shall allocate the  
7 amount of that excess to that eligible county.

8 (b) For purposes of this section, “basic state aid school district”  
9 means any school district that does not receive a state  
10 apportionment pursuant to subdivision (h) of Section 42238 of the  
11 Education Code, but receives from the state only a basic  
12 apportionment pursuant to Section 6 of Article IX of the California  
13 Constitution.

14 SEC. 6. Section 195.152 is added to the Revenue and Taxation  
15 Code, to read:

16 195.152. (a) By October 30, 2010, the auditors of the Counties  
17 of Orange, Riverside, and San Bernardino, which were the subject  
18 of the Governor’s proclamations of a state of emergency for  
19 wildfires that commenced on November 15, 2008, or November  
20 16, 2008, shall certify to the Director of Finance an estimate of  
21 the total amount of the reduction in property tax revenues on both  
22 the regular secured roll and the supplemental roll for the 2008–09  
23 fiscal year resulting from the reassessment by the county assessor  
24 pursuant to paragraph (1) of subdivision (a) of Section 170 of those  
25 properties that are eligible properties as a result of those disasters,  
26 except that the amount certified shall not include any estimated  
27 property tax revenue reductions to school districts, other than basic  
28 state aid school districts, and county offices of education.

29 (b) For purposes of this section, “basic state aid school district”  
30 means any school district that does not receive a state  
31 apportionment pursuant to subdivision (h) of Section 42238 of the  
32 Education Code, but receives from the state only a basic  
33 apportionment pursuant to Section 6 of Article IX of the California  
34 Constitution.

35 SEC. 7. Section 195.153 is added to the Revenue and Taxation  
36 Code, to read:

37 195.153. After the county auditor of the eligible county, as  
38 described in Section 195.152, has made the applicable certification  
39 to the Director of Finance pursuant to that section, the director  
40 shall within 30 days after verification of the county auditor’s

1 estimate, certify this amount to the Controller for allocation to the  
2 county. Upon receipt of certification from the Director of Finance,  
3 the Controller shall make the appropriate allocation to the county  
4 within 10 working days.

5 SEC. 8. Section 195.154 is added to the Revenue and Taxation  
6 Code, to read:

7 195.154. (a) On or before June 30, 2011, an eligible county,  
8 as described in Section 195.152, shall compute and remit to the  
9 Controller for deposit in the General Fund an amount equal to the  
10 amount allocated to it by the Controller pursuant to Section  
11 195.153, less the actual amount of its property tax revenue lost on  
12 the regular secured and supplemental rolls with respect to those  
13 eligible properties described in Section 195.152 as a result of the  
14 reassessment of those properties pursuant to paragraph (1) of  
15 subdivision (a) of Section 170, excluding any property tax revenue  
16 lost by school districts, other than basic state aid school districts,  
17 and county offices of education. If the actual amount of property  
18 tax revenue lost by an eligible county in the immediately preceding  
19 fiscal year, as described and limited in the preceding sentence,  
20 exceeds the amount allocated by the Controller to that county  
21 pursuant to Section 195.153, the Controller shall allocate the  
22 amount of that excess to that eligible county.

23 (b) For purposes of this section, “basic state aid school district”  
24 means any school district that does not receive a state  
25 apportionment pursuant to subdivision (h) of Section 42238 of the  
26 Education Code, but receives from the state only a basic  
27 apportionment pursuant to Section 6 of Article IX of the California  
28 Constitution.

29 SEC. 9. Section 195.155 is added to the Revenue and Taxation  
30 Code, to read:

31 195.155. (a) By October 30, 2010, the auditor of the County  
32 of Santa Barbara, which was the subject of the Governor’s  
33 proclamation of a state of emergency for wildfires that commenced  
34 on May 5, 2009, shall certify to the Director of Finance an estimate  
35 of the total amount of the reduction in property tax revenues on  
36 both the regular secured roll and the supplemental roll for the  
37 ~~2009–10~~ 2008–09 fiscal year resulting from the reassessment by  
38 the county assessor pursuant to paragraph (1) of subdivision (a)  
39 of Section 170 of those properties that are eligible properties as a  
40 result of those disasters, except that the amount certified shall not



1 include any estimated property tax revenue reductions to school  
2 districts, other than basic state aid school districts, and county  
3 offices of education.

4 (b) For purposes of this section, “basic state aid school district”  
5 means any school district that does not receive a state  
6 apportionment pursuant to subdivision (h) of Section 42238 of the  
7 Education Code, but receives from the state only a basic  
8 apportionment pursuant to Section 6 of Article IX of the California  
9 Constitution.

10 SEC. 10. Section 195.156 is added to the Revenue and Taxation  
11 Code, to read:

12 195.156. After the county auditor of the eligible county, as  
13 described in Section 195.155, has made the applicable certification  
14 to the Director of Finance pursuant to that section, the director  
15 shall within 30 days after verification of the county auditor’s  
16 estimate, certify this amount to the Controller for allocation to the  
17 county. Upon receipt of certification from the Director of Finance,  
18 the Controller shall make the appropriate allocation to the county  
19 within 10 working days.

20 SEC. 11. Section 195.157 is added to the Revenue and Taxation  
21 Code, to read:

22 195.157. (a) On or before June 30, 2011, an eligible county,  
23 as described in Section 195.155, shall compute and remit to the  
24 Controller for deposit in the General Fund an amount equal to the  
25 amount allocated to it by the Controller pursuant to Section  
26 195.156, less the actual amount of its property tax revenue lost on  
27 the regular secured and supplemental rolls with respect to those  
28 eligible properties described in Section 195.155 as a result of the  
29 reassessment of those properties pursuant to paragraph (1) of  
30 subdivision (a) of Section 170, excluding any property tax revenue  
31 lost by school districts, other than basic state aid school districts,  
32 and county offices of education. If the actual amount of property  
33 tax revenue lost by an eligible county in the immediately preceding  
34 fiscal year, as described and limited in the preceding sentence,  
35 exceeds the amount allocated by the Controller to that county  
36 pursuant to Section 195.156, the Controller shall allocate the  
37 amount of that excess to that eligible county.

38 (b) For purposes of this section, “basic state aid school district”  
39 means any school district that does not receive a state  
40 apportionment pursuant to subdivision (h) of Section 42238 of the

1 Education Code, but receives from the state only a basic  
2 apportionment pursuant to Section 6 of Article IX of the California  
3 Constitution.

4 SEC. 12. Section 195.161 is added to the Revenue and Taxation  
5 Code, to read:

6 195.161. (a) By October 30, 2010, the auditor of the County  
7 of Placer, which was the subject of the Governor's proclamation  
8 of a state of emergency for wildfires that commenced on August  
9 30, 2009, shall certify to the Director of Finance an estimate of  
10 the total amount of the reduction in property tax revenues on both  
11 the regular secured roll and the supplemental roll for the 2009–10  
12 fiscal year resulting from the reassessment by the county assessor  
13 pursuant to paragraph (1) of subdivision (a) of Section 170 of those  
14 properties that are eligible properties as a result of those disasters,  
15 except that the amount certified shall not include any estimated  
16 property tax revenue reductions to school districts, other than basic  
17 state aid school districts, and county offices of education.

18 (b) For purposes of this section, "basic state aid school district"  
19 means any school district that does not receive a state  
20 apportionment pursuant to subdivision (h) of Section 42238 of the  
21 Education Code, but receives from the state only a basic  
22 apportionment pursuant to Section 6 of Article IX of the California  
23 Constitution.

24 SEC. 13. Section 195.162 is added to the Revenue and Taxation  
25 Code, to read:

26 195.162. After the county auditor of the eligible county, as  
27 described in Section 195.161, has made the applicable certification  
28 to the Director of Finance pursuant to that section, the director  
29 shall, within 30 days after verification of the county auditor's  
30 estimate, certify this amount to the Controller for allocation to the  
31 county. Upon receipt of certification from the Director of Finance,  
32 the Controller shall make the appropriate allocation to the county  
33 within 10 working days.

34 SEC. 14. Section 195.163 is added to the Revenue and Taxation  
35 Code, to read:

36 195.163. (a) On or before June 30, 2011, an eligible county,  
37 as described in Section 195.161, shall compute and remit to the  
38 Controller for deposit in the General Fund an amount equal to the  
39 amount allocated to it by the Controller pursuant to Section  
40 195.162, less the actual amount of its property tax revenue lost on

1 the regular secured and supplemental rolls with respect to those  
2 eligible properties described in Section 195.161 as a result of the  
3 reassessment of those properties pursuant to paragraph (1) of  
4 subdivision (a) of Section 170, excluding any property tax revenue  
5 lost by school districts, other than basic state aid school districts,  
6 and county offices of education. If the actual amount of property  
7 tax revenue lost by an eligible county in the immediately preceding  
8 fiscal year, as described and limited in the preceding sentence,  
9 exceeds the amount allocated by the Controller to that county  
10 pursuant to Section 195.162, the Controller shall allocate the  
11 amount of that excess to that eligible county.

12 (b) For purposes of this section, “basic state aid school district”  
13 means any school district that does not receive a state  
14 apportionment pursuant to subdivision (h) of Section 42238 of the  
15 Education Code, but receives from the state only a basic  
16 apportionment pursuant to Section 6 of Article IX of the California  
17 Constitution.

18 *SEC. 15. Section 195.173 is added to the Revenue and Taxation*  
19 *Code, to read:*

20 *195.173. (a) By October 30, 2010, the auditor of the County*  
21 *of Kern, which was the subject of the Governor’s proclamation of*  
22 *a state of emergency for wildfires that commenced on July 26,*  
23 *2010, shall certify to the Director of Finance an estimate of the*  
24 *total amount of the reduction in property tax revenues on both the*  
25 *regular secured roll and the supplemental roll for the 2010–11*  
26 *fiscal year resulting from the reassessment by the county assessor*  
27 *pursuant to paragraph (1) of subdivision (a) of Section 170 of*  
28 *those properties that are eligible properties as a result of those*  
29 *disasters, except that the amount certified shall not include any*  
30 *estimated property tax revenue reductions to school districts, other*  
31 *than basic state aid school districts, and county offices of*  
32 *education.*

33 *(b) For purposes of this section, “basic state aid school district”*  
34 *means any school district that does not receive a state*  
35 *apportionment pursuant to subdivision (h) of Section 42238 of the*  
36 *Education Code, but receives from the state only a basic*  
37 *apportionment pursuant to Section 6 of Article IX of the California*  
38 *Constitution.*

39 *SEC. 16. Section 195.174 is added to the Revenue and Taxation*  
40 *Code, to read:*

1     195.174. After the county auditor of the eligible county, as  
2     described in Section 195.173, has made the applicable certification  
3     to the Director of Finance pursuant to that section, the director  
4     shall, within 30 days after verification of the county auditor's  
5     estimate, certify this amount to the Controller for allocation to the  
6     county. Upon receipt of certification from the Director of Finance,  
7     the Controller shall make the appropriate allocation to the county  
8     within 10 working days.

9     SEC. 17. Section 195.175 is added to the Revenue and Taxation  
10    Code, to read:

11    195.175. (a) On or before June 30, 2011, an eligible county,  
12    as described in Section 195.173, shall compute and remit to the  
13    Controller for deposit in the General Fund an amount equal to  
14    the amount allocated to it by the Controller pursuant to Section  
15    195.174, less the actual amount of its property tax revenue lost on  
16    the regular secured and supplemental rolls with respect to those  
17    eligible properties described in Section 195.173 as a result of the  
18    reassessment of those properties pursuant to paragraph (1) of  
19    subdivision (a) of Section 170, excluding any property tax revenue  
20    lost by school districts, other than basic state aid school districts,  
21    and county offices of education. If the actual amount of property  
22    tax revenue lost by an eligible county in the immediately preceding  
23    fiscal year, as described and limited in the preceding sentence,  
24    exceeds the amount allocated by the Controller to that county  
25    pursuant to Section 195.174, the Controller shall allocate the  
26    amount of that excess to that eligible county.

27    (b) For purposes of this section, "basic state aid school district"  
28    means any school district that does not receive a state  
29    apportionment pursuant to subdivision (h) of Section 42238 of the  
30    Education Code, but receives from the state only a basic  
31    apportionment pursuant to Section 6 of Article IX of the California  
32    Constitution.

33    ~~SEC. 15. Section 218 of the Revenue and Taxation Code is~~  
34    ~~amended to read:~~

35    ~~218. (a) The homeowners' property tax exemption is in the~~  
36    ~~amount of the assessed value of the dwelling specified in this~~  
37    ~~section, as authorized by subdivision (k) of Section 3 of Article~~  
38    ~~XIII of the California Constitution. That exemption shall be in the~~  
39    ~~amount of seven thousand dollars (\$7,000) of the full value of the~~  
40    ~~dwelling.~~

1 ~~(b) The exemption does not extend to property that is rented,~~  
2 ~~vacant, under construction on the lien date, or that is a vacation or~~  
3 ~~secondary home of the owner or owners, nor does it apply to~~  
4 ~~property on which an owner receives the veteran's exemption.~~

5 ~~(e)–~~

6 *SEC. 18. Section 218.1 is added to the Revenue and Taxation*  
7 *Code, to read:*

8 *218.1. (a) For purposes of this section, all of the following*  
9 *apply:*

10 (1) "Owner" includes a person purchasing the dwelling under  
11 a contract of sale or who holds shares or membership in a  
12 cooperative housing corporation, which holding is a requisite to  
13 the exclusive right of occupancy of a dwelling.

14 (2) (A) "Dwelling" means a building, structure, or other shelter  
15 constituting a place of abode, whether real property or personal  
16 property, and any land on which it may be situated. A two-dwelling  
17 unit shall be considered as two separate single-family dwellings.

18 (B) "Dwelling" includes the following:

19 (i) A single-family dwelling occupied by an owner thereof as  
20 his or her principal place of residence on the lien date.

21 (ii) A multiple-dwelling unit occupied by an owner thereof on  
22 the lien date as his or her principal place of residence.

23 (iii) A condominium occupied by an owner thereof as his or her  
24 principal place of residence on the lien date.

25 (iv) Premises occupied by the owner of shares or a membership  
26 interest in a cooperative housing corporation, as defined in  
27 subdivision (i) of Section 61, as his or her principal place of  
28 residence on the lien date. Each exemption allowed pursuant to  
29 this subdivision shall be deducted from the total assessed valuation  
30 of the cooperative housing corporation. The exemption shall be  
31 taken into account in apportioning property taxes among owners  
32 of share or membership interests in the cooperative housing  
33 corporations so as to benefit those owners who qualify for the  
34 exemption.

35 ~~(d) Any dwelling that qualified for an exemption under this~~  
36 ~~section prior to October 20, 1991, that was damaged or destroyed~~  
37 ~~by fire in a disaster, as declared by the Governor, occurring on or~~  
38 ~~after October 20, 1991, and before November 1, 1991, and that~~  
39 ~~has not changed ownership since October 20, 1991, shall not be~~  
40 ~~disqualified as a "dwelling" or be denied an exemption under this~~

1 ~~section solely on the basis that the dwelling was temporarily~~  
2 ~~damaged or destroyed or was being reconstructed by the owner.~~

3 ~~(e) Any dwelling that qualified for an exemption under this~~  
4 ~~section prior to October 15, 2003, that was damaged or destroyed~~  
5 ~~by fire or earthquake in a disaster, as declared by the Governor,~~  
6 ~~during October, November, or December 2003, and that has not~~  
7 ~~changed ownership since October 15, 2003, shall not be~~  
8 ~~disqualified as a “dwelling” or be denied an exemption under this~~  
9 ~~section solely on the basis that the dwelling was temporarily~~  
10 ~~damaged or destroyed or was being reconstructed by the owner.~~

11 ~~(f) Any dwelling that qualified for an exemption under this~~  
12 ~~section prior to June 3, 2004, that was damaged or destroyed by~~  
13 ~~flood in a disaster, as declared by the Governor, during June 2004,~~  
14 ~~and that has not changed ownership since June 3, 2004, shall not~~  
15 ~~be disqualified as a “dwelling” or be denied an exemption under~~  
16 ~~this section solely on the basis that the dwelling was temporarily~~  
17 ~~damaged or destroyed or was being reconstructed by the owner.~~

18 ~~(g) Any dwelling that qualified for an exemption under this~~  
19 ~~section prior to August 11, 2004, that was damaged or destroyed~~  
20 ~~by the wildfires and any other related casualty that occurred in~~  
21 ~~Shasta County in a disaster, as declared by the Governor, during~~  
22 ~~August 2004, and that has not changed ownership since August~~  
23 ~~11, 2004, shall not be disqualified as a “dwelling” or be denied an~~  
24 ~~exemption under this section solely on the basis that the dwelling~~  
25 ~~was temporarily damaged or destroyed or was being reconstructed~~  
26 ~~by the owner.~~

27 ~~(h) Any dwelling that qualified for an exemption under this~~  
28 ~~section prior to December 28, 2004, that was damaged or destroyed~~  
29 ~~by severe rainstorms, floods, mudslides, or the accumulation of~~  
30 ~~debris in a disaster, as declared by the Governor, during December~~  
31 ~~2004, January 2005, February 2005, March 2005, or June 2005,~~  
32 ~~and that has not changed ownership since December 28, 2004,~~  
33 ~~shall not be disqualified as a “dwelling” or be denied an exemption~~  
34 ~~under this section solely on the basis that the dwelling was~~  
35 ~~temporarily damaged or destroyed or was being reconstructed by~~  
36 ~~the owner, or was temporarily uninhabited as a result of restricted~~  
37 ~~access to the property due to floods, mudslides, the accumulation~~  
38 ~~of debris, or washed-out or damaged roads.~~

39 ~~(i) Any dwelling that qualified for an exemption under this~~  
40 ~~section prior to December 19, 2005, that was damaged or destroyed~~

1 by severe rainstorms, floods, mudslides, or the accumulation of  
2 debris in a disaster, as declared by the Governor in January 2006,  
3 April 2006, May 2006, or June 2006, and that has not changed  
4 ownership since December 19, 2005, shall not be disqualified as  
5 a “dwelling” or be denied an exemption under this section solely  
6 on the basis that the dwelling was temporarily damaged or  
7 destroyed or was being reconstructed by the owner, or was  
8 temporarily uninhabited as a result of restricted access to the  
9 property due to floods, mudslides, the accumulation of debris, or  
10 washed-out or damaged roads.

11 (j) Any dwelling that qualified for an exemption under this  
12 section prior to July 9, 2006, that was damaged or destroyed by  
13 the wildfires and any other related casualty that occurred in the  
14 County of San Bernardino, as declared by the Governor in July  
15 2006, and that has not changed ownership since July 9, 2006, shall  
16 not be disqualified as a “dwelling” or be denied an exemption  
17 under this section solely on the basis that the dwelling was  
18 temporarily damaged or destroyed or was being reconstructed by  
19 the owner, or was temporarily uninhabited as a result of restricted  
20 access to the property due to the wildfires.

21 (k) Any dwelling that qualified for an exemption under this  
22 section prior to the commencement dates of the wildfires listed in  
23 the Governor’s proclamations of 2006 that was damaged or  
24 destroyed by the wildfires and any other related casualty that  
25 occurred in the Counties of Riverside and Ventura, and that has  
26 not changed ownership since the commencement dates of these  
27 disasters as listed in the Governor’s proclamations of 2006 shall  
28 not be disqualified as a “dwelling” or be denied an exemption  
29 under this section solely on the basis that the dwelling was  
30 temporarily damaged or destroyed or was being reconstructed by  
31 the owner, or was temporarily uninhabited as a result of restricted  
32 access to the property due to the wildfires.

33 (l) Any dwelling that qualified for an exemption under this  
34 section prior to January 11, 2007, that was damaged or destroyed  
35 by severe freezing conditions, commencing January 11, 2007, and  
36 any other related casualty that occurred in the Counties of El  
37 Dorado, Fresno, Imperial, Kern, Kings, Madera, Merced, Monterey,  
38 Riverside, San Bernardino, San Diego, San Luis Obispo, Santa  
39 Barbara, Santa Clara, Stanislaus, Tulare, Ventura, and Yuba as a  
40 result of a disaster as declared by the Governor, and that has not

1 changed ownership since January 11, 2007, shall not be disqualified  
2 as a “dwelling” or be denied an exemption under this section solely  
3 on the basis that the dwelling was temporarily damaged or  
4 destroyed or was being reconstructed by the owner, or was  
5 temporarily uninhabited as a result of restricted access to the  
6 property due to severe freezing conditions.

7 (m) Any dwelling that qualified for an exemption under this  
8 section prior to June 24, 2007, that was damaged or destroyed by  
9 the wildfires and any other related casualty that occurred as a result  
10 of this disaster in the County of El Dorado, as declared by the  
11 Governor in June 2007, and that has not changed ownership since  
12 June 24, 2007, shall not be disqualified as a “dwelling” or be denied  
13 an exemption under this section solely on the basis that the  
14 dwelling was temporarily damaged or destroyed or was being  
15 reconstructed by the owner, or was temporarily uninhabited as a  
16 result of restricted access to the property due to the wildfires.

17 (n) Any dwelling that qualified for an exemption under this  
18 section prior to July 4, 2007, that was damaged or destroyed by  
19 the Zaca Fire and any other related casualty that occurred as a  
20 result of this disaster in the Counties of Santa Barbara and Ventura,  
21 as declared by the Governor in August 2007, and that has not  
22 changed ownership since July 4, 2007, may not be denied an  
23 exemption solely on the basis that the dwelling was temporarily  
24 damaged or destroyed or was being reconstructed by the owner,  
25 or was temporarily uninhabited as a result of restricted access to  
26 the property due to the Zaca Fire.

27 (o) Any dwelling that qualified for an exemption under this  
28 section prior to July 6, 2007, that was damaged or destroyed by  
29 the wildfires and any other related casualty that occurred as a result  
30 of this disaster in the County of Inyo, as declared by the Governor  
31 in July 2007, and that has not changed ownership since July 6,  
32 2007, may not be denied an exemption solely on the basis that the  
33 dwelling was temporarily damaged or destroyed or was being  
34 reconstructed by the owner, or was temporarily uninhabited as a  
35 result of restricted access to the property due to the wildfires.

36 (p) Any dwelling that qualified for an exemption under this  
37 section prior to the commencement dates of the wildfires listed in  
38 the Governor’s disaster proclamations of September 15, 2007, and  
39 October 21, 2007, that was damaged or destroyed by the wildfires  
40 and any other related casualty that occurred in the Counties of Los



1 Angeles, Orange, Riverside, San Bernardino, San Diego, Santa  
2 Barbara, and Ventura, and that has not changed ownership since  
3 the commencement dates of these disasters as listed in the  
4 proclamations shall not be disqualified as a “dwelling” or be denied  
5 an exemption under this section solely on the basis that the  
6 dwelling was temporarily damaged or destroyed or was being  
7 reconstructed by the owner, or was temporarily uninhabited as a  
8 result of restricted access to the property due to the wildfires.

9 (q) Any dwelling that qualified for an exemption under this  
10 section prior to October 20, 2007, that was damaged or destroyed  
11 by the extremely strong and damaging winds and any other related  
12 casualty that occurred as a result of this disaster in the County of  
13 Riverside, as declared by the Governor in November 2007, and  
14 that has not changed ownership since October 20, 2007, shall not  
15 be disqualified as a “dwelling” or be denied an exemption under  
16 this section solely on the basis that the dwelling was temporarily  
17 damaged or destroyed or was being reconstructed by the owner,  
18 or was temporarily uninhabited as a result of restricted access to  
19 the property due to the extremely strong and damaging winds.

20 (r) Any dwelling that qualified for an exemption under this  
21 section prior to the commencement dates of the wildfires listed in  
22 the Governor’s disaster proclamations of May, June, or July 2008,  
23 that was damaged or destroyed by the wildfires and any other  
24 related casualty that occurred in the Counties of Butte, Kern,  
25 Mariposa, Mendocino, Monterey, Plumas, Santa Clara, Santa Cruz,  
26 Shasta, and Trinity and that has not changed ownership since the  
27 commencement dates of these disasters as listed in the  
28 proclamations shall not be disqualified as a “dwelling” or be denied  
29 an exemption under this section solely on the basis that the  
30 dwelling was temporarily damaged or destroyed or was being  
31 reconstructed by the owner, or was temporarily uninhabited as a  
32 result of restricted access to the property due to the wildfires.

33 (s) Any dwelling that qualified for an exemption under this  
34 section prior to July 1, 2008, that was damaged or destroyed by  
35 the wildfires and any other related casualty that occurred as a result  
36 of this disaster in the County of Santa Barbara, as declared by the  
37 Governor in July 2008, and that has not changed ownership since  
38 July 1, 2008, may not be denied an exemption solely on the basis  
39 that the dwelling was temporarily damaged or destroyed or was

1 being reconstructed by the owner, or was temporarily uninhabited  
2 as a result of restricted access to the property due to the wildfires.

3 ~~(t) Any dwelling that qualified for an exemption under this~~  
4 ~~section prior to July 12, 2008, that was damaged or destroyed by~~  
5 ~~severe rainstorms, floods, landslides, or the accumulation of debris~~  
6 ~~in a disaster, as declared by the Governor, in July 2008, and that~~  
7 ~~has not changed ownership since July 12, 2008, shall not be~~  
8 ~~disqualified as a “dwelling” or be denied an exemption under this~~  
9 ~~section solely on the basis that the dwelling was temporarily~~  
10 ~~damaged or destroyed or was being reconstructed by the owner,~~  
11 ~~or was temporarily uninhabited as a result of restricted access to~~  
12 ~~the property due to floods, landslides, the accumulation of debris,~~  
13 ~~or washed-out or damaged roads.~~

14 ~~(u) Any dwelling that qualified for an exemption under this~~  
15 ~~section prior to May 22, 2008, that was damaged or destroyed by~~  
16 ~~the wildfires and any other related casualty that occurred as a result~~  
17 ~~of this disaster in the County of Humboldt, as declared by the~~  
18 ~~Governor in August 2008, and that has not changed ownership~~  
19 ~~since May 22, 2008, may not be denied an exemption solely on~~  
20 ~~the basis that the dwelling was temporarily damaged or destroyed~~  
21 ~~or was being reconstructed by the owner, or was temporarily~~  
22 ~~uninhabited as a result of restricted access to the property due to~~  
23 ~~the wildfires.~~

24 ~~(v) Any dwelling that qualified for an exemption under this~~  
25 ~~section prior to the commencement dates of the wildfires that were~~  
26 ~~the subject of the Governor’s disaster proclamations of October~~  
27 ~~13, 2008, and November 15, 2008, that was damaged or destroyed~~  
28 ~~by the wildfires and any other related casualty that occurred in the~~  
29 ~~Counties of Los Angeles and Ventura and that has not changed~~  
30 ~~ownership since the commencement dates of these wildfires, shall~~  
31 ~~not be disqualified as a “dwelling” or be denied an exemption~~  
32 ~~under this section solely on the basis that the dwelling was~~  
33 ~~temporarily damaged or destroyed or was being reconstructed by~~  
34 ~~the owner, or was temporarily uninhabited as a result of restricted~~  
35 ~~access to the property due to the wildfires.~~

36 ~~(w) Any dwelling that qualified for an exemption under this~~  
37 ~~section prior to November 13, 2008, that was damaged or destroyed~~  
38 ~~by the wildfires and any other related casualty that occurred as a~~  
39 ~~result of this disaster in the County of Santa Barbara, as declared~~  
40 ~~by the Governor in November 2008, and that has not changed~~

1 ownership since November 13, 2008, shall not be disqualified as  
2 a “dwelling” or be denied an exemption under this section solely  
3 on the basis that the dwelling was temporarily damaged or  
4 destroyed or was being reconstructed by the owner, or was  
5 temporarily uninhabited as a result of restricted access to the  
6 property due to the wildfires.

7 (x) Any dwelling that qualified for an exemption under this  
8 section prior to the commencement dates of the wildfires listed in  
9 the Governor’s disaster proclamations of November 15, 2008, and  
10 November 17, 2008, that was damaged or destroyed by the  
11 wildfires and any other related casualty that occurred as a result  
12 of this disaster in the Counties of Orange, Riverside, and San  
13 Bernardino, as declared by the Governor in November 2008, and  
14 that has not changed ownership since the commencement dates of  
15 these disasters as listed in the proclamations, shall not be  
16 disqualified as a “dwelling” or be denied an exemption under this  
17 section solely on the basis that the dwelling was temporarily  
18 damaged or destroyed or was being reconstructed by the owner,  
19 or was temporarily uninhabited as a result of restricted access to  
20 the property due to the wildfires.

21 (y) Any dwelling that qualified for an exemption under this  
22 section prior to May 5, 2009, that was damaged or destroyed by  
23 the wildfires and any other related casualty that occurred as a result  
24 of this disaster in the County of Santa Barbara, as declared by the  
25 Governor in May 2009, and that has not changed ownership since  
26 May 5, 2009, shall not be disqualified as a “dwelling” or be denied  
27 an exemption under this section solely on the basis that the  
28 dwelling was temporarily damaged or destroyed or was being  
29 reconstructed by the owner, or was temporarily uninhabited as a  
30 result of restricted access to the property due to the wildfires.

31 (z)

32 (b) Any dwelling that qualified for an exemption under this  
33 section *Section 218* prior to August 30, 2009, that was damaged  
34 or destroyed by the wildfires and any other related casualty that  
35 occurred as a result of this disaster in the County of Placer, as  
36 declared by the Governor in August 2009, and that has not changed  
37 ownership since August 30, 2009, shall not be disqualified as a  
38 “dwelling” or be denied an exemption under ~~this section~~ *Section*  
39 *218* solely on the basis that the dwelling was temporarily damaged  
40 or destroyed or was being reconstructed by the owner, or was

1 temporarily uninhabited as a result of restricted access to the  
2 property due to the wildfires.

3 *(c) Any dwelling that qualified for an exemption under Section*  
4 *218 prior to July 26, 2010, that was damaged or destroyed by the*  
5 *wildfires and any other related casualty that occurred as a result*  
6 *of the disaster in the County of Kern, as declared by the Governor*  
7 *in July 2010, and that has not changed ownership since July 26,*  
8 *2010, shall not be disqualified as a “dwelling” or be denied an*  
9 *exemption under this section solely on the basis that the dwelling*  
10 *was temporarily damaged or destroyed or was being reconstructed*  
11 *by the owner, or was temporarily uninhabited as a result of*  
12 *restricted access to the property due to the wildfires.*

13 *(aa)*

14 *(d) The exemption provided for in subdivision (k) of Section 3*  
15 *of Article XIII of the California Constitution shall first be applied*  
16 *to the building, structure, or other shelter and the excess, if any,*  
17 *shall be applied to any land on which it may be located.*

18 ~~SEC. 16. Section 17207 of the Revenue and Taxation Code is~~  
19 ~~amended to read:~~

20 ~~17207.—~~

21 ~~SEC. 19. Section 17207.1 is added to the Revenue and Taxation~~  
22 ~~Code, to read:~~

23 ~~17207.1. (a) An excess disaster loss, as defined in subdivision~~  
24 ~~(c), shall be carried to other taxable years as provided in~~  
25 ~~subdivision (b), with respect to losses resulting from any of the~~  
26 ~~following disasters:~~

27 ~~(1) Forest fire or any other related casualty occurring in 1985~~  
28 ~~in California.~~

29 ~~(2) Storm, flooding, or any other related casualty occurring in~~  
30 ~~1986 in California.~~

31 ~~(3) Any loss sustained during 1987 as a result of a forest fire or~~  
32 ~~any other related casualty.~~

33 ~~(4) Earthquake, aftershock, or any other related casualty~~  
34 ~~occurring in 1987 in California.~~

35 ~~(5) Earthquake, aftershock, or any other related casualty~~  
36 ~~occurring in 1989 in California.~~

37 ~~(6) Any loss sustained during 1990 as a result of fire or any~~  
38 ~~other related casualty in California.~~

39 ~~(7) Any loss sustained as a result of the Oakland/Berkeley Fire~~  
40 ~~of 1991, or any other related casualty.~~

1     ~~(8) Any loss sustained as a result of storm, flooding, or any~~  
2 ~~other related casualty occurring in February 1992 in California.~~

3     ~~(9) Earthquake, aftershock, or any other related casualty~~  
4 ~~occurring in April 1992 in the County of Humboldt.~~

5     ~~(10) Riots, arson, or any other related casualty occurring in~~  
6 ~~April or May 1992 in California.~~

7     ~~(11) Any loss sustained as a result of the earthquakes that~~  
8 ~~occurred in the County of San Bernardino in June and July of 1992,~~  
9 ~~or any other related casualty.~~

10    ~~(12) Any loss sustained as a result of the Fountain Fire that~~  
11 ~~occurred in the County of Shasta, or as a result of either of the~~  
12 ~~fires in the Counties of Calaveras and Trinity that occurred in~~  
13 ~~August 1992, or any other related casualty.~~

14    ~~(13) Any loss sustained as a result of storm, flooding, or any~~  
15 ~~other related casualty that occurred in the Counties of Alpine,~~  
16 ~~Contra Costa, Fresno, Humboldt, Imperial, Lassen, Los Angeles,~~  
17 ~~Madera, Mendocino, Modoc, Monterey, Napa, Orange, Plumas,~~  
18 ~~Riverside, San Bernardino, San Diego, Santa Barbara, Sierra,~~  
19 ~~Siskiyou, Sonoma, Tehama, Trinity, and Tulare, and the City of~~  
20 ~~Fillmore in January 1993.~~

21    ~~(14) Any loss sustained as a result of a fire that occurred in the~~  
22 ~~Counties of Los Angeles, Orange, Riverside, San Bernardino, San~~  
23 ~~Diego, and Ventura, during October or November of 1993, or any~~  
24 ~~other related casualty.~~

25    ~~(15) Any loss sustained as a result of the earthquake, aftershocks,~~  
26 ~~or any other related casualty that occurred in the Counties of Los~~  
27 ~~Angeles, Orange, and Ventura on or after January 17, 1994.~~

28    ~~(16) Any loss sustained as a result of a fire that occurred in the~~  
29 ~~County of San Luis Obispo during August of 1994, or any other~~  
30 ~~related casualty.~~

31    ~~(17) Any loss sustained as a result of the storms or flooding~~  
32 ~~occurring in 1995, or any other related casualty, sustained in any~~  
33 ~~county of this state subject to a disaster declaration with respect~~  
34 ~~to the storms and flooding.~~

35    ~~(18) Any loss sustained as a result of the storms or flooding~~  
36 ~~occurring in December 1996 or January 1997, or any related~~  
37 ~~casualty, sustained in any county of this state subject to a disaster~~  
38 ~~declaration with respect to the storms or flooding.~~

39    ~~(19) Any loss sustained as a result of the storms or flooding~~  
40 ~~occurring in February 1998, or any related casualty, sustained in~~

1 any county of this state subject to a disaster declaration with respect  
2 to the storms or flooding.

3 ~~(20) Any loss sustained as a result of a freeze occurring in the~~  
4 ~~winter of 1998–99, or any related casualty, sustained in any county~~  
5 ~~of this state subject to a disaster declaration with respect to the~~  
6 ~~freeze.~~

7 ~~(21) Any loss sustained as a result of an earthquake occurring~~  
8 ~~in September 2000, that was included in the Governor's~~  
9 ~~proclamation of a state of emergency for the County of Napa.~~

10 ~~(22) Any loss sustained as a result of the Middle River levee~~  
11 ~~break in San Joaquin County occurring in June 2004.~~

12 ~~(23) Any losses sustained as a result of the fires that occurred~~  
13 ~~in the Counties of Los Angeles, Riverside, San Bernardino, San~~  
14 ~~Diego, and Ventura in October and November 2003, or as a result~~  
15 ~~of floods, mudflows, and debris flows, directly related to fires.~~

16 ~~(24) Any losses sustained in the Counties of Santa Barbara and~~  
17 ~~San Luis Obispo as a result of the San Simeon earthquake,~~  
18 ~~aftershocks, and any other related casualties.~~

19 ~~(25) Any losses sustained as a result of the wildfires that~~  
20 ~~occurred in Shasta County, commencing August 11, 2004, and~~  
21 ~~any other related casualty.~~

22 ~~(26) Any loss sustained in the Counties of Kern, Los Angeles,~~  
23 ~~Orange, Riverside, San Bernardino, San Diego, Santa Barbara,~~  
24 ~~and Ventura as a result of the severe rainstorms, related flooding~~  
25 ~~and slides, and any other related casualties, that occurred in~~  
26 ~~December 2004, January 2005, February 2005, March 2005, or~~  
27 ~~June 2005.~~

28 ~~(27) Any loss sustained in the Counties of Alameda, Alpine,~~  
29 ~~Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El~~  
30 ~~Dorado, Fresno, Humboldt, Kings, Lake, Lassen, Madera, Marin,~~  
31 ~~Mariposa, Mendocino, Merced, Monterey, Napa, Nevada, Placer,~~  
32 ~~Plumas, Sacramento, San Joaquin, San Luis Obispo, San Mateo,~~  
33 ~~Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus,~~  
34 ~~Sutter, Trinity, Tulare, Tuolumne, Yolo, and Yuba as a result of~~  
35 ~~the severe rainstorms, related flooding and slides, and any other~~  
36 ~~related casualties, that occurred in December 2005, January 2006,~~  
37 ~~March 2006, or April 2006.~~

38 ~~(28) Any loss sustained in the County of San Bernardino as a~~  
39 ~~result of the wildfires that occurred in July 2006.~~

1     ~~(29) Any loss sustained in the Counties of Riverside and Ventura~~  
2     ~~as a result of wildfires that occurred during the 2006 calendar year.~~

3     ~~(30) Any loss sustained in the Counties of El Dorado, Fresno,~~  
4     ~~Imperial, Kern, Kings, Madera, Merced, Monterey, Riverside, San~~  
5     ~~Bernardino, San Diego, San Luis Obispo, Santa Barbara, Santa~~  
6     ~~Clara, Stanislaus, Tulare, Ventura, and Yuba that were the subject~~  
7     ~~of the Governor's proclamations of a state of emergency for the~~  
8     ~~severe freezing conditions that occurred in January 2007.~~

9     ~~(31) Any loss sustained in the County of El Dorado as a result~~  
10    ~~of wildfires that occurred in June 2007.~~

11    ~~(32) Any loss sustained in the Counties of Santa Barbara and~~  
12    ~~Ventura as a result of the Zaca Fire that occurred during the 2007~~  
13    ~~calendar year.~~

14    ~~(33) Any loss sustained in the County of Inyo as a result of~~  
15    ~~wildfires that commenced in July 2007.~~

16    ~~(34) Any loss sustained in the Counties of Los Angeles, Orange,~~  
17    ~~Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura~~  
18    ~~as a result of wildfires that occurred during the 2007 calendar year~~  
19    ~~that were the subject of the Governor's disaster proclamations of~~  
20    ~~September 15, 2007, and October 21, 2007.~~

21    ~~(35) Any loss sustained in the County of Riverside as a result~~  
22    ~~of extremely strong and damaging winds that occurred in October~~  
23    ~~2007.~~

24    ~~(36) Any loss sustained in the Counties of Butte, Kern,~~  
25    ~~Mariposa, Mendocino, Monterey, Plumas, Santa Clara, Santa Cruz,~~  
26    ~~Shasta, and Trinity as a result of wildfires that occurred in May or~~  
27    ~~June 2008 that were the subject of the Governor's proclamations~~  
28    ~~of a state of emergency.~~

29    ~~(37) Any loss sustained in the County of Santa Barbara as a~~  
30    ~~result of wildfires that occurred in July 2008.~~

31    ~~(38) Any loss sustained in the County of Inyo as a result of the~~  
32    ~~severe rainstorms, related flooding and landslides, and any other~~  
33    ~~related casualties, that occurred in July 2008.~~

34    ~~(39) Any loss sustained in the County of Humboldt as a result~~  
35    ~~of wildfires that commenced in May 2008.~~

36    ~~(40) Any loss sustained in the County of Santa Barbara as a~~  
37    ~~result of wildfires that commenced in November 2008.~~

38    ~~(41) Any loss sustained in the Counties of Los Angeles and~~  
39    ~~Ventura as a result of wildfires that commenced in October 2008~~

1 or November 2008 that were the subject of the Governor's  
2 proclamations of a state of emergency.

3 ~~(42) Any loss sustained in the Counties of Orange, Riverside,~~  
4 ~~and San Bernardino as a result of wildfires that commenced in~~  
5 ~~November 2008.~~

6 ~~(43) Any loss sustained in the County of Santa Barbara as a~~  
7 ~~result of wildfires that commenced in May 2009.~~

8 ~~(44)~~

9 ~~(1) Any loss sustained in the County of Placer as a result of~~  
10 ~~wildfires that commenced in August 2009.~~

11 ~~(2) Any loss sustained in the County of Kern as a result of the~~  
12 ~~wildfires that commenced in July 2010.~~

13 (b) (1) In the case of any loss allowed under Section 165(c) of  
14 the Internal Revenue Code, relating to limitation of losses of  
15 individuals, any excess disaster loss shall be carried forward to  
16 each of the five taxable years following the taxable year for which  
17 the loss is claimed. However, if there is any excess disaster loss  
18 remaining after the five-year period, then the applicable percentage,  
19 as set forth in paragraph (1) of subdivision (b) of Section 17276,  
20 of that excess disaster loss shall be carried forward to each of the  
21 next 10 taxable years.

22 (2) The entire amount of any excess disaster loss as defined in  
23 subdivision (c) shall be carried to the earliest of the taxable years  
24 to which, by reason of subdivision (b), the loss may be carried.  
25 The portion of the loss which shall be carried to each of the other  
26 taxable years shall be the excess, if any, of the amount of excess  
27 disaster loss over the sum of the adjusted taxable income for each  
28 of the prior taxable years to which that excess disaster loss is  
29 carried.

30 (c) "Excess disaster loss" means a disaster loss computed  
31 pursuant to Section 165 of the Internal Revenue Code which  
32 exceeds the adjusted taxable income of the year of loss or, if the  
33 election under Section 165(i) of the Internal Revenue Code is  
34 made, the adjusted taxable income of the year preceding the loss.

35 (d) The provisions of this section and Section 165(i) of the  
36 Internal Revenue Code shall be applicable to any of the losses  
37 listed in subdivision (a) sustained in any county or city in this state  
38 which was proclaimed by the Governor to be in a state of disaster.



1 (e) Losses allowable under this section may not be taken into  
2 account in computing a net operating loss deduction under Section  
3 172 of the Internal Revenue Code.

4 (f) For purposes of this section, “adjusted taxable income” shall  
5 be defined by Section 1212(b)(2)(B) of the Internal Revenue Code.

6 (g) For losses described in ~~paragraphs (15) to (44), inclusive,~~  
7 *paragraphs (1) and (2)* of subdivision (a), the election under  
8 Section 165(i) of the Internal Revenue Code may be made on a  
9 return or amended return filed on or before the due date of the  
10 return (determined with regard to extension) for the taxable year  
11 in which the disaster occurred.

12 ~~SEC. 17. Section 24347.5 of the Revenue and Taxation Code~~  
13 ~~is amended to read:~~

14 ~~24347.5.—~~

15 *SEC. 20. Section 24347.6 is added to the Revenue and Taxation*  
16 *Code, to read:*

17 24347.6. (a) An excess disaster loss, as defined in subdivision  
18 (c), shall be carried to other taxable years as provided in  
19 subdivision (b), with respect to losses resulting from any of the  
20 following disasters:

21 ~~(1) Forest fire or any other related casualty occurring in 1985~~  
22 ~~in California.~~

23 ~~(2) Storm, flooding, or any other related casualty occurring in~~  
24 ~~1986 in California.~~

25 ~~(3) Any loss sustained during 1987 as a result of a forest fire or~~  
26 ~~any other related casualty.~~

27 ~~(4) Earthquake, aftershock, or any other related casualty~~  
28 ~~occurring in October 1987 in California.~~

29 ~~(5) Earthquake, aftershock, or any other related casualty~~  
30 ~~occurring in October 1989 in California.~~

31 ~~(6) Any loss sustained during 1990 as a result of fire or any~~  
32 ~~other related casualty in California.~~

33 ~~(7) Any loss sustained as a result of the Oakland/Berkeley Fire~~  
34 ~~of 1991, or any other related casualty.~~

35 ~~(8) Any loss sustained as a result of storm, flooding, or any~~  
36 ~~other related casualty occurring in February 1992 in California.~~

37 ~~(9) Earthquake, aftershock, or any other related casualty~~  
38 ~~occurring in April 1992 in the County of Humboldt.~~

39 ~~(10) Riots, arson, or any other related casualty occurring in~~  
40 ~~April or May 1992 in California.~~

1     ~~(11) Any loss sustained as a result of the earthquakes or any~~  
2     ~~other related casualty that occurred in the County of San~~  
3     ~~Bernardino in June and July of 1992.~~

4     ~~(12) Any loss sustained as a result of the Fountain Fire that~~  
5     ~~occurred in the County of Shasta, or as a result of either of the~~  
6     ~~fires in the Counties of Calaveras and Trinity that occurred in~~  
7     ~~August 1992, or any other related casualty.~~

8     ~~(13) Any loss sustained as a result of storm, flooding, or any~~  
9     ~~other related casualty that occurred in the Counties of Alpine,~~  
10    ~~Contra Costa, Fresno, Humboldt, Imperial, Lassen, Los Angeles,~~  
11    ~~Madera, Mendocino, Modoc, Monterey, Napa, Orange, Plumas,~~  
12    ~~Riverside, San Bernardino, San Diego, Santa Barbara, Sierra,~~  
13    ~~Siskiyou, Sonoma, Tehama, Trinity, and Tulare, and the City of~~  
14    ~~Fillmore in January 1993.~~

15    ~~(14) Any loss sustained as a result of a fire that occurred in the~~  
16    ~~Counties of Los Angeles, Orange, Riverside, San Bernardino, San~~  
17    ~~Diego, and Ventura, during October or November of 1993, or any~~  
18    ~~other related casualty.~~

19    ~~(15) Any loss sustained as a result of the earthquake, aftershocks,~~  
20    ~~or any other related casualty that occurred in the Counties of Los~~  
21    ~~Angeles, Orange, and Ventura on or after January 17, 1994.~~

22    ~~(16) Any loss sustained as a result of a fire that occurred in the~~  
23    ~~County of San Luis Obispo during August of 1994, or any other~~  
24    ~~related casualty.~~

25    ~~(17) Any loss sustained as a result of the storms or flooding~~  
26    ~~occurring in 1995, or any other related casualty, sustained in any~~  
27    ~~county of this state subject to a disaster declaration with respect~~  
28    ~~to the storms and flooding.~~

29    ~~(18) Any loss sustained as a result of the storms or flooding~~  
30    ~~occurring in December 1996 or January 1997, or any related~~  
31    ~~casualty, sustained in any county of this state subject to a disaster~~  
32    ~~declaration with respect to the storms or flooding.~~

33    ~~(19) Any loss sustained as a result of the storms or flooding~~  
34    ~~occurring in February 1998, or any related casualty, sustained in~~  
35    ~~any county of this state subject to a disaster declaration with respect~~  
36    ~~to the storms or flooding.~~

37    ~~(20) Any loss sustained as a result of a freeze occurring in the~~  
38    ~~winter of 1998–99, or any related casualty, sustained in any county~~  
39    ~~of this state subject to a disaster declaration with respect to the~~  
40    ~~freeze.~~

1     ~~(21) Any loss sustained as a result of an earthquake occurring~~  
2     ~~in September 2000, that was included in the Governor's~~  
3     ~~proclamation of a state of emergency for the County of Napa.~~

4     ~~(22) Any loss sustained as a result of the Middle River levee~~  
5     ~~break in San Joaquin County occurring in June 2004.~~

6     ~~(23) Any losses sustained as a result of the fires that occurred~~  
7     ~~in the Counties of Los Angeles, Riverside, San Bernardino, San~~  
8     ~~Diego, and Ventura in October and November 2003, or as a result~~  
9     ~~of floods, mudflows, and debris flows, directly related to fires.~~

10    ~~(24) Any losses sustained in the Counties of Santa Barbara and~~  
11    ~~San Luis Obispo as a result of the San Simeon earthquake,~~  
12    ~~aftershocks, and any other related casualties.~~

13    ~~(25) Any losses sustained as a result of the wildfires that~~  
14    ~~occurred in Shasta County, commencing August 11, 2004, and~~  
15    ~~any other related casualty.~~

16    ~~(26) Any loss sustained in the Counties of Kern, Los Angeles,~~  
17    ~~Orange, Riverside, San Bernardino, San Diego, Santa Barbara,~~  
18    ~~and Ventura as a result of the severe rainstorms, related flooding~~  
19    ~~and slides, and any other related casualties, that occurred in~~  
20    ~~December 2004, January 2005, February 2005, March 2005, or~~  
21    ~~June 2005.~~

22    ~~(27) Any loss sustained in the Counties of Alameda, Alpine,~~  
23    ~~Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El~~  
24    ~~Dorado, Fresno, Humboldt, Kings, Lake, Lassen, Madera, Marin,~~  
25    ~~Mariposa, Mendocino, Merced, Monterey, Napa, Nevada, Placer,~~  
26    ~~Plumas, Sacramento, San Joaquin, San Luis Obispo, San Mateo,~~  
27    ~~Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus,~~  
28    ~~Sutter, Trinity, Tulare, Tuolumne, Yolo, and Yuba as a result of~~  
29    ~~the severe rainstorms, related flooding and slides, and any other~~  
30    ~~related casualties, that occurred in December 2005, January 2006,~~  
31    ~~March 2006, or April 2006.~~

32    ~~(28) Any loss sustained in the County of San Bernardino as a~~  
33    ~~result of the wildfires that occurred in July 2006.~~

34    ~~(29) Any loss sustained in the Counties of Riverside and Ventura~~  
35    ~~as a result of wildfires that occurred during the 2006 calendar year.~~

36    ~~(30) Any loss sustained in the Counties of El Dorado, Fresno,~~  
37    ~~Imperial, Kern, Kings, Madera, Merced, Monterey, Riverside, San~~  
38    ~~Bernardino, San Diego, San Luis Obispo, Santa Barbara, Santa~~  
39    ~~Clara, Stanislaus, Tulare, Ventura, and Yuba that were the subject~~

1 of the Governor's proclamations of a state of emergency for the  
2 severe freezing conditions that occurred in January 2007.

3 ~~(31) Any loss sustained in the County of El Dorado as a result~~  
4 ~~of wildfires that occurred in June 2007.~~

5 ~~(32) Any loss sustained in the Counties of Santa Barbara and~~  
6 ~~Ventura as a result of the Zaca Fire that occurred during the 2007~~  
7 ~~calendar year.~~

8 ~~(33) Any loss sustained in the County of Inyo as a result of~~  
9 ~~wildfires that commenced in July 2007.~~

10 ~~(34) Any loss sustained in the Counties of Los Angeles, Orange,~~  
11 ~~Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura~~  
12 ~~as a result of wildfires that occurred during the 2007 calendar year~~  
13 ~~that were the subject of the Governor's disaster proclamations of~~  
14 ~~September 15, 2007, and October 21, 2007.~~

15 ~~(35) Any loss sustained in the County of Riverside as a result~~  
16 ~~of extremely strong and damaging winds that occurred in October~~  
17 ~~2007.~~

18 ~~(36) Any loss sustained in the Counties of Butte, Kern,~~  
19 ~~Mariposa, Mendocino, Monterey, Plumas, Santa Clara, Santa Cruz,~~  
20 ~~Shasta, and Trinity as a result of wildfires that occurred in May or~~  
21 ~~June 2008 that were the subject of the Governor's proclamations~~  
22 ~~of a state of emergency.~~

23 ~~(37) Any loss sustained in the County of Santa Barbara as a~~  
24 ~~result of wildfires that occurred in July 2008.~~

25 ~~(38) Any loss sustained in the County of Inyo as a result of the~~  
26 ~~severe rainstorms, related flooding and landslides, and any other~~  
27 ~~related casualties, that occurred in July 2008.~~

28 ~~(39) Any loss sustained in the County of Humboldt as a result~~  
29 ~~of wildfires that commenced in May 2008.~~

30 ~~(40) Any loss sustained in the County of Santa Barbara as a~~  
31 ~~result of wildfires that commenced in November 2008.~~

32 ~~(41) Any loss sustained in the Counties of Los Angeles and~~  
33 ~~Ventura as a result of wildfires that commenced in October 2008~~  
34 ~~or November 2008 that were the subject of the Governor's~~  
35 ~~proclamations of a state of emergency.~~

36 ~~(42) Any loss sustained in the Counties of Orange, Riverside,~~  
37 ~~and San Bernardino as a result of wildfires that commenced in~~  
38 ~~November 2008.~~

39 ~~(43) Any loss sustained in the County of Santa Barbara as a~~  
40 ~~result of wildfires that commenced in May 2009.~~

1     ~~(44)~~

2     (1) Any loss sustained in the County of Placer as a result of  
3 wildfires that commenced in August 2009.

4     (2) *Any loss sustained in the County of Kern as a result of the*  
5 *wildfires that commenced in July 2010.*

6     (b) (1) In the case of any loss allowed under Section 165 of the  
7 Internal Revenue Code, relating to losses, any excess disaster loss  
8 shall be carried forward to each of the five taxable years following  
9 the taxable year for which the loss is claimed. However, if there  
10 is any excess disaster loss remaining after the five-year period,  
11 then the applicable percentage, as set forth in paragraph (1) of  
12 subdivision (b) of Section 24416, of that excess disaster loss shall  
13 be carried forward to each of the next 10 taxable years.

14     (2) The entire amount of any excess disaster loss as defined in  
15 subdivision (c) shall be carried to the earliest of the taxable years  
16 to which, by reason of subdivision (b), the loss may be carried.  
17 The portion of the loss which shall be carried to each of the other  
18 taxable years shall be the excess, if any, of the amount of excess  
19 disaster loss over the sum of the net income for each of the prior  
20 taxable years to which that excess disaster loss is carried.

21     (c) “Excess disaster loss” means a disaster loss computed  
22 pursuant to Section 165 of the Internal Revenue Code, which  
23 exceeds the net income of the year of loss or, if the election under  
24 Section 165(i) of the Internal Revenue Code is made, the net  
25 income of the year preceding the loss.

26     (d) The provisions of this section and Section 165(i) of the  
27 Internal Revenue Code shall be applicable to any of the losses  
28 listed in subdivision (a) sustained in any county or city in this state  
29 which was proclaimed by the Governor to be in a state of disaster.

30     (e) Any corporation subject to the provisions of Section 25101  
31 or 25101.15 that has disaster losses pursuant to this section, shall  
32 determine the excess disaster loss to be carried to other taxable  
33 years under the principles specified in Section 25108 relating to  
34 net operating losses.

35     (f) Losses allowable under this section may not be taken into  
36 account in computing a net operating loss deduction under Section  
37 172 of the Internal Revenue Code.

38     (g) For losses described in ~~paragraphs (15) to (44), inclusive,~~  
39 *paragraphs (1) and (2) of subdivision (a),* the election under  
40 Section 165(i) of the Internal Revenue Code may be made on a

1 return or amended return filed on or before the due date of the  
2 return (determined with regard to extension) for the taxable year  
3 in which the disaster occurred.

4 ~~SEC. 18.~~

5 *SEC. 21.* It is the intent of the Legislature to provide in the  
6 annual Budget Act those additional reimbursements to local  
7 governments that, as a result of ~~Section 15~~ *Sections 18* of this act,  
8 are required by Section 25 of Article XIII of the California  
9 Constitution.

10 ~~SEC. 19.~~

11 *SEC. 22.* The Legislature finds and declares that this act fulfills  
12 a statewide public purpose because of all of the following:

13 (a) The Governor of California has officially proclaimed a state  
14 *states* of emergency declaring that the wildfires that occurred  
15 within the County of Placer, commencing in August 2009, *and*  
16 *within the County of Kern, commencing in July 2010*, constitute  
17 conditions of extreme peril to public health and safety to persons  
18 and property within ~~that county~~ *those counties*, thus qualifying  
19 affected persons for various forms of governmental assistance and  
20 relief.

21 (b) This act is consistent with, and supplements, the proclaimed  
22 disaster assistance and relief by providing necessary fiscal  
23 assistance and tax relief to affected jurisdictions and persons to  
24 allow them to maintain essential basic services and repair damage  
25 to, and restore, their homes and businesses.

26 ~~SEC. 20.~~

27 *SEC. 23.* If the Commission on State Mandates determines that  
28 this act contains costs mandated by the state, reimbursement to  
29 local agencies and school districts for those costs shall be made  
30 pursuant to Part 7 (commencing with Section 17500) of Division  
31 4 of Title 2 of the Government Code.

32 ~~SEC. 21.~~

33 *SEC. 24.* This act is an urgency statute necessary for the  
34 immediate preservation of the public peace, health, or safety within  
35 the meaning of Article IV of the Constitution and shall go into  
36 immediate effect. The facts constituting the necessity are:

37 In order to timely provide essential relief to those persons and  
38 jurisdictions ~~who~~ *that* have suffered damage or loss as a result of  
39 the wildfires that occurred within the state in ~~2009, 2008, 2009,~~  
40 *and 2010*, that were the subject of a Governor's proclamation of

1 a state of emergency, it is necessary that this act take effect  
2 immediately.

O